

109TH CONGRESS  
1ST SESSION

# H. R. 4200

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2005

Mr. WALDEN of Oregon (for himself, Mr. BAIRD, Mr. GILCHREST, Ms. HERSETH, Mr. FLAKE, Mr. THOMPSON of Mississippi, Mr. PETERSON of Pennsylvania, Mr. BOYD, Mr. PICKERING, Mr. OBERSTAR, Mr. SHADEGG, Mr. BERRY, Mr. WICKER, Mr. LEWIS of California, Mr. ROSS, Mr. HASTINGS of Washington, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. TERRY, Mr. POMBO, Mr. JINDAL, Mrs. DRAKE, Mr. OTTER, Mr. NORWOOD, Mr. DUNCAN, Mr. REHBERG, Mr. HAYWORTH, Mr. ROGERS of Michigan, Mr. PEARCE, Mr. GIBBONS, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. CANNON, Mr. BROWN of South Carolina, Miss McMORRIS, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, Mr. SIMPSON, Mr. RENZI, Mr. YOUNG of Alaska, Mr. MCCRERY, Mr. GOHMERT, Mr. HAYES, Mr. HERGER, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BONNER, Mr. TANCREDO, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BISHOP of Utah, Ms. FOXX, Mr. ISSA, Mr. HUNTER, Mr. McKEON, Mr. BURGESS, Mr. CALVERT, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. GUTKNECHT, Mr. SHERWOOD, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KNOLLENBERG, Mr. NUNES, Mr. SESSIONS, Mr. GINGREY, Mr. BARTON of Texas, Ms. GRANGER, Mr. REYNOLDS, Mr. TIAHRT, Mr. BLUNT, Mr. KINGSTON, Mr. CANTOR, Mr. BEAUPREZ, Mr. WHITFIELD, Mr. EVERETT, Mr. PLATTS, Mr. BOOZMAN, Mrs. MUSGRAVE, Mr. SOUDER, Mr. SAXTON, Mr. PUTNAM, Mr. LINDER, Mr. ENGLISH of Pennsylvania, Mr. THOMAS, Mr. CULBERSON, Mr. BASS, Mr. JONES of North Carolina, Mr. ROGERS of Kentucky, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. LEWIS of Kentucky, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Transportation and Infra-

structure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as “Forest  
 5 Emergency Recovery and Research Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

### TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

- Sec. 101. Development of research protocols and use in catastrophic event research projects.
- Sec. 102. Catastrophic event recovery evaluations.
- Sec. 103. Compliance with National Environmental Policy Act.
- Sec. 104. Availability and use of pre-approved management practices.
- Sec. 105. Availability and use of alternative arrangements.
- Sec. 106. Administrative and judicial review.

Sec. 107. Guidance regarding reforestation in response to catastrophic events.  
 Sec. 108. Effect of title.

## TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

### Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 201. Assistance under Cooperative Forestry Assistance Act of 1978 to restore landscapes and communities affected by catastrophic events.

### Subtitle B—Department of the Interior Assistance

Sec. 211. Restoring landscapes.  
 Sec. 212. Restoring communities.

## TITLE III—EXPERIMENTAL FORESTS

Sec. 301. Findings.  
 Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.  
 Sec. 303. Availability and use of alternative arrangements for projects on National Forest experimental forests.

## TITLE IV—GENERAL PROVISIONS

Sec. 401. Regulations.  
 Sec. 402. Funding sources.

### 1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The number and severity of catastrophic  
 4 events causing resource damage to Federal land has  
 5 significantly increased over the last 20 years, and  
 6 such catastrophic events also create serious adverse  
 7 environmental, social, and economic consequences  
 8 for Federal land and adjacent non-Federal land and  
 9 communities.

10 (2) Catastrophic events often devastate forest  
 11 or rangeland ecosystems and eliminate sources of  
 12 seed for desired tree and plant species, which—

1           (A) delays or even precludes the reestab-  
2           lishment of appropriate forest or plant cover on  
3           millions of acres of Federal land;

4           (B) increases the susceptibility of the dam-  
5           aged land to wildfire and noxious or harmful  
6           species and reduces the economic value of the  
7           damaged land's resources;

8           (C) increases the susceptibility of adjacent  
9           undamaged land to insect infestations, disease,  
10          and noxious weeds;

11          (D) pollutes municipal water supplies and  
12          damages water delivery infrastructure;

13          (E) exacerbates sediment production that  
14          adversely impacts native fish habitat and soil  
15          productivity;

16          (F) results in unsafe campgrounds, trails,  
17          roads, and other infrastructure; and

18          (G) adversely impacts the sustainability of  
19          ecosystems and the well-being of adjacent com-  
20          munities.

21          (3) Program authorities and funding mecha-  
22          nisms currently available to the Secretary of Agri-  
23          culture and the Secretary of the Interior to respond  
24          to catastrophic events on forested Federal land do

1 not provide for consistent and timely response activi-  
2 ties.

3 (4) Alternative arrangements approved by the  
4 Council on Environmental Quality have been used on  
5 an inconsistent basis to respond to catastrophic  
6 events on forested Federal land, but, when used in  
7 the past, such alternative arrangements have encour-  
8 aged expedited and successful recovery outcomes.

9 (5) A prompt and standardized management re-  
10 sponse to a catastrophic event, which is also adapt-  
11 ive to the unique characteristics of each catastrophic  
12 event, is needed—

13 (A) to effectively recover the area damaged  
14 by the catastrophic event,

15 (B) to minimize the impact on the re-  
16 sources of the area and adjacent communities  
17 adversely affected by the catastrophic event;  
18 and

19 (C) to recover damaged, but still mer-  
20 chantable, material before it losses economic  
21 value.

22 (6) Reforestation treatments on forested Fed-  
23 eral land after a catastrophic event helps to restore  
24 appropriate forest cover, which provides multiple re-  
25 newable resource benefits, including—

- 1 (A) protecting soil and water resources;
- 2 (B) providing habitat for wildlife and fish;
- 3 (C) contributing to aesthetics and enhanc-
- 4 ing the recreational experience for visitors;
- 5 (D) providing a future source of timber for
- 6 domestic use; and
- 7 (E) ensuring the health and resiliency of
- 8 affected ecosystems for present and future gen-
- 9 erations.

10 (7) According to the Comptroller General, the  
11 reforestation backlog for Federal land has increased  
12 since 2000 as a result of natural disturbances, such  
13 as wildland fires, insect infestations, and diseases.

14 (8) Additional scientific and monitoring infor-  
15 mation is needed regarding the effectiveness of re-  
16 covery treatments to improve subsequent recovery  
17 proposals in response to future catastrophic events.

18 (9) State, tribal, and local governments, local  
19 communities, and other entities play a critical role in  
20 restoring landscapes damaged by a catastrophic  
21 event and in reducing the risks associated with the  
22 catastrophic event.

23 (10) Greater resources and adaptive arrange-  
24 ments must be made available to land managers to  
25 facilitate the prompt implementation of recovery

1 treatments, including reforestation, following cata-  
2 strophic events.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) BURNED AREA EMERGENCY RESPONSE.—

6 The term “burned area emergency response” means  
7 the process used by the Secretary concerned to plan  
8 and implement emergency stabilization actions on  
9 Federal land in response to a catastrophic event in  
10 order to minimize threats to life or property or to  
11 stabilize and prevent unacceptable degradation to  
12 natural and cultural resources resulting from the ef-  
13 fects of the catastrophic event.

14 (2) CATASTROPHIC EVENT.—The term “cata-  
15 strophic event” means any natural disaster or any  
16 fire, flood, or explosion, regardless of cause, that the  
17 Secretary determines has caused or will cause dam-  
18 age of significant severity and magnitude to Federal  
19 land or, in the case of title II, non-Federal land. A  
20 natural disaster may include a hurricane, tornado,  
21 windstorm, snow or ice storm, rain storm, high  
22 water, wind-driven water, tidal wave, earthquake,  
23 volcanic eruption, landslide, mudslide, drought, or  
24 insect or disease outbreak.

1           (3) CATASTROPHIC EVENT RECOVERY.—The  
2       term “catastrophic event recovery”, with respect to  
3       an area of Federal land damaged by a catastrophic  
4       event, means—

5           (A) if the catastrophic event involved fire,  
6       the rehabilitation and restoration activities  
7       (other than any emergency stabilization treat-  
8       ments undertaken as part of the burned area  
9       emergency response) that are undertaken on  
10      the damaged Federal land, including any infra-  
11      structure or facilities thereon, in response to  
12      the catastrophic event;

13          (B) if the catastrophic event did not in-  
14      volve fire, the emergency stabilization and reha-  
15      bilitation and restoration activities that are un-  
16      dertaken on the damaged Federal land, includ-  
17      ing infrastructure or facilities thereon, in re-  
18      sponse to the catastrophic event; or

19          (C) the reforestation or revegetation of the  
20      damaged Federal land in response to the cata-  
21      strophic event using, to the extent practicable  
22      and preferable, native or beneficial plants to  
23      avoid creation of plantation forests and the re-  
24      covery of trees on the damaged Federal land  
25      through the use of timber harvesting in a man-



1           ner consistent with the applicable land and re-  
2           source management plan.

3           (4) CATASTROPHIC EVENT RECOVERY EVALUA-  
4           TION.—The term “catastrophic event recovery eval-  
5           uation”, with respect to an area of Federal land  
6           damaged by a catastrophic event, means an evalua-  
7           tion of the damaged Federal land that is conducted  
8           in accordance with section 102 for the purpose of  
9           developing the catastrophic event recovery proposal  
10          for the area.

11          (5) CATASTROPHIC EVENT RECOVERY PRO-  
12          POSAL.—The term “catastrophic event recovery pro-  
13          posal” means the list and brief description of cata-  
14          strophic event recovery projects, catastrophic event  
15          research projects, and pre-approved management  
16          practices that are—

17                (A) prepared or identified as part of the  
18                catastrophic event recovery evaluation of an  
19                area of Federal land damaged by a catastrophic  
20                event; and

21                (B) proposed to be undertaken to facilitate  
22                the catastrophic event recovery of the area or  
23                evaluate the effects and effectiveness of such re-  
24                covery efforts.

1           (6)     CATASTROPHIC     EVENT     RECOVERY  
2     PROJECT.—The term “catastrophic event recovery  
3     project” means an individual activity or a series of  
4     activities identified in a catastrophic event recovery  
5     proposal for an area of Federal land damaged by a  
6     catastrophic event and proposed to be undertaken in  
7     response to the catastrophic event to promote cata-  
8     strophic event recovery.

9           (7)     CATASTROPHIC     EVENT     RESEARCH  
10    PROJECT.—The term “catastrophic event research  
11    project” means a scientifically designed study of the  
12    effects and effectiveness of—

13                 (A)   any   catastrophic   event   recovery  
14                 projects undertaken in an area of land damaged  
15                 by a catastrophic event; and

16                 (B) any emergency stabilization treatments  
17                 undertaken as part of a burned area emergency  
18                 response in the area of land damaged by a cata-  
19                 strophic event.

20           (8)     COMMUNITY     WILDFIRE     PROTECTION  
21    PLAN.—The term “community wildfire protection  
22    plan” has the meaning given that term in section  
23    101(3) of the Healthy Forest Restoration Act of  
24    2003 (16 U.S.C. 6511(3)).

1           (9) ELIGIBLE ENTITY.—The term “eligible enti-  
2       ty”, for purposes of providing assistance under sub-  
3       title B of title II, means a State Forester or equiva-  
4       lent State official, an Indian tribe, local government,  
5       community-based organization, or other person.

6           (10) FEDERAL LAND.—The term “Federal  
7       land” means land in the National Forest System  
8       and lands managed by the Bureau of Land Manage-  
9       ment, including lands held for the benefit of an In-  
10      dian tribe. The term does not include any land con-  
11      tained in a component of the National Wilderness  
12      Preservation System or designated as a national  
13      monument.

14          (11) INDIAN TRIBE.—The term “Indian tribe”  
15      has the meaning given the term in section 4 of the  
16      Indian Self-Determination and Education Assistance  
17      Act (25 U.S.C. 450b).

18          (12) LAND AND RESOURCE MANAGEMENT  
19      PLAN.—The term “land and resource management  
20      plan” means—

21            (A) a land and resource management plan  
22            developed for a unit of the National Forest Sys-  
23            tem under section 6 of the Forest and Range-  
24            land Renewable Resources Planning Act of  
25            1974 (16 U.S.C. 1604); or

1 (B) a land use plan developed for an area  
2 of the public lands under section 202 of the  
3 Federal Land Policy and Management Act of  
4 1976 (43 U.S.C. 1712).

5 (13) LAND-GRANT COLLEGES AND UNIVER-  
6 SITIES.—The term “land-grant colleges and univer-  
7 sities” has the meaning given that term in section  
8 1404(11) of the National Agricultural Research, Ex-  
9 tension, and Teaching Policy Act of 1977 (7 U.S.C.  
10 3103(11)).

11 (14) LANDSCAPE ASSESSMENT.—The term  
12 “landscape assessment” means an assessment de-  
13 scribing catastrophic event conditions and recovery  
14 needs and opportunities on non-Federal land af-  
15 fected by a catastrophic event and including a list of  
16 proposed special recovery projects to address those  
17 needs and opportunities.

18 (15) NATIONAL FOREST SYSTEM.—The term  
19 “National Forest System” has the meaning given  
20 that term in section 11(a) of the Forest and Range-  
21 land Renewable Resources Planning Act of 1974 (16  
22 U.S.C. 1609(a)).

23 (16) PRE-APPROVED MANAGEMENT PRAC-  
24 TICE.—The term “pre-approved management prac-  
25 tice” means a management practice identified by the

1 Secretary concerned under section 104(a) that may  
2 be immediately implemented as part of a cata-  
3 strophic event recovery project or catastrophic event  
4 research project to facilitate the catastrophic event  
5 recovery of an area of Federal land damaged by a  
6 catastrophic event.

7 (17) SECRETARY CONCERNED.—The term  
8 “Secretary concerned” means—

9 (A) the Secretary of Agriculture, with re-  
10 spect to National Forest System land; and

11 (B) the Secretary of the Interior, with re-  
12 spect to lands managed by the Bureau of Land  
13 Management, including lands held for the ben-  
14 efit of an Indian tribe.

15 (18) SPECIAL RECOVERY PROJECT.—The term  
16 “special recovery project” means an individual activ-  
17 ity or a series of activities proposed to be under-  
18 taken to rehabilitate, repair, and restore non-Federal  
19 land damaged by a catastrophic event, community  
20 infrastructure and facilities on the land, and eco-  
21 nomic, social, and cultural conditions affected by the  
22 catastrophic event.

1 **TITLE I—RESPONSE TO CATA-**  
2 **STROPHIC EVENTS ON FED-**  
3 **ERAL LANDS**

4 **SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND**  
5 **USE IN CATASTROPHIC EVENT RESEARCH**  
6 **PROJECTS.**

7 (a) DEVELOPMENT OF PROTOCOLS; PURPOSE.—For  
8 the purpose of collecting and analyzing scientific informa-  
9 tion about the effectiveness and ecological impacts of cata-  
10 strophic event recovery projects and emergency stabiliza-  
11 tion treatments undertaken as part of a burned area emer-  
12 gency response to increase the long-term benefits of man-  
13 agement activities and to decrease short-term impacts, the  
14 Secretary concerned shall develop research protocols con-  
15 sisting of a research approach that is specifically designed  
16 to improve knowledge, understanding, and predictive capa-  
17 bilities, including an appropriate and scientifically sound  
18 experimental design or set of sampling procedures, and ac-  
19 companying methods of data analysis and interpretation.

20 (b) PEER REVIEW REQUIRED.—The research proto-  
21 cols developed under subsection (a), and any subsequent  
22 modification thereof, shall be subject to independent peer  
23 review by scientific and land management experts.

24 (c) TIME FOR COMPLETION; MODIFICATION.—The  
25 research protocols required by this section shall be sub-

mitted to Congress not later than 180 days after the date of the enactment of this Act. The Secretary concerned may modify the research protocols, as the Secretary determines necessary, after their submission to Congress. The Secretary concerned shall notify Congress regarding any such modification.

(d) CATASTROPHIC EVENT RESEARCH PROJECTS.—

In accordance with the research protocols developed under this section, the Secretary concerned may conduct one or more catastrophic event research projects in an area of land damaged by a catastrophic event. The Secretary may develop a proposed catastrophic event research project as part of a catastrophic event recovery proposal or develop a catastrophic event research project independently of the catastrophic event recovery proposal during the catastrophic event recovery in response to changing conditions in the area damaged by the catastrophic event.

(e) PUBLIC ACCESS.—

(1) PROTOCOLS.—The Secretary concerned shall make the research protocols developed under subsection (a), including any modification thereof, publicly available, in a form determined to be appropriate by the Secretary.

(2) RESEARCH RESULTS.—After completion of the independent peer review required by subsection

1 (b), the Secretary concerned shall make the results  
2 of catastrophic event research projects publicly avail-  
3 able, in a form determined to be appropriate by the  
4 Secretary.

5 (f) FOREST HEALTH PARTNERSHIPS.—In developing  
6 and using the research protocols required by this section,  
7 the Secretary concerned shall enter into cooperative agree-  
8 ments with land-grant colleges and universities to form  
9 forest health partnerships, including regional institutes, to  
10 utilize the education, research, and outreach capacity of  
11 land-grant colleges and universities to address the recov-  
12 ery of forested land after a catastrophic event. A forest  
13 health partnership may be aligned with the current net-  
14 work of Cooperative Ecosystem Studies Units.

15 **SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.**

16 (a) COMMENCEMENT.—

17 (1) EVALUATION REQUIRED.—In response to a  
18 catastrophic event affecting 1,000 or more acres of  
19 Federal land, the Secretary concerned shall conduct  
20 a catastrophic event recovery evaluation of the dam-  
21 aged Federal land.

22 (2) EVALUATION AUTHORIZED.—If a cata-  
23 strophic event affects more than 250 acres of Fed-  
24 eral land, but less than 1,000 acres, the Secretary  
25 concerned is authorized, but not required, to conduct



1 a catastrophic event recovery evaluation of the dam-  
2 aged Federal land.

3 (b) COMPLETION.—When a catastrophic event recov-  
4 ery evaluation is required to be conducted under sub-  
5 section (a), the Secretary concerned shall commence and  
6 complete the catastrophic event recovery evaluation not  
7 later than 30 days after the conclusion of the catastrophic  
8 event in order to facilitate prompt—

9 (1) decision-making with regard to the cata-  
10 strophic event recovery of the Federal land damaged  
11 by the catastrophic event; and

12 (2) implementation of catastrophic event recov-  
13 ery projects on the damaged Federal land.

14 (c) ELEMENTS OF CATASTROPHIC EVENT EVALUA-  
15 TION.—In conducting the catastrophic event recovery eval-  
16 uation for an area of Federal land damaged by a cata-  
17 strophic event, the Secretary concerned shall prepare the  
18 following:

19 (1) A description of catastrophic event condi-  
20 tions on the damaged Federal land, recovery needs  
21 and opportunities, and the areas where management  
22 intervention would be helpful—

23 (A) to repair, maintain, or improve re-  
24 source values;

25 (B) to maintain infrastructure;

1 (C) to foster reforestation or other recov-  
2 ery of the damaged Federal land; and

3 (D) to achieve the goals and objectives of  
4 the applicable land and resource management  
5 plan.

6 (2) A preliminary determination of any cata-  
7 strophic event research projects that best fit the cir-  
8 cumstances of the particular catastrophic event envi-  
9 ronment or would enhance scientific understanding  
10 relevant to the damaged area.

11 (3) A catastrophic event recovery proposal con-  
12 taining possible catastrophic event recovery projects  
13 and catastrophic event research projects for the  
14 damaged area and describing the anticipated size  
15 and scope of these projects.

16 (4) One or more maps detailing the area of  
17 damaged Federal land and the location of cata-  
18 strophic event recovery proposals.

19 (5) A preliminary estimate of the funding that  
20 would be needed to complete the catastrophic event  
21 recovery projects and catastrophic event research  
22 projects contained in the catastrophic event recovery  
23 proposal.

24 (6) A preliminary estimate of the receipts to be  
25 derived from the catastrophic event recovery projects

1 and catastrophic event research projects contained in  
2 the catastrophic event recovery proposal.

3 (7) A preliminary schedule showing the timing  
4 of possible catastrophic event recovery projects and  
5 catastrophic event research projects by fiscal year,  
6 assuming funding is available to undertake the  
7 projects.

8 (d) USE OF PRE-APPROVED MANAGEMENT PRAC-  
9 TICES OR ALTERNATIVE ARRANGEMENTS.—

10 (1) DETERMINATION.—In addition to com-  
11 plying with the requirements specified in subsection  
12 (c) for each catastrophic event recovery evaluation,  
13 the Secretary concerned shall make a determination  
14 of—

15 (A) whether or not any pre-approved man-  
16 agement practices can be immediately imple-  
17 mented under section 104 to facilitate the cata-  
18 strophic event recovery of the area covered by  
19 the catastrophic event recovery evaluation; and

20 (B) whether or not any catastrophic event  
21 recovery project or catastrophic event research  
22 project, or portion of such a project, contained  
23 in the catastrophic event recovery proposal  
24 should be developed and carried out using the

1 alternative arrangements authorized by section  
2 105.

3 (2) FACTORS.—In making any determination  
4 under paragraph (1)(B) to develop and carry out a  
5 catastrophic event recovery project or catastrophic  
6 event research project, or portion of such a project,  
7 using alternative arrangements under section 105,  
8 the Secretary concerned shall consider at a min-  
9 imum the following:

10 (A) The necessity of promptly responding  
11 to the catastrophic event on the damaged Fed-  
12 eral land.

13 (B) The recovery needs and opportunities  
14 identified under subsection (c)(1) with respect  
15 to the damaged Federal land.

16 (C) The lack of pre-approved management  
17 practices applicable to the damaged Federal  
18 land.

19 (D) The threat to public health and safety.

20 (E) The likelihood of substantial loss of  
21 adjacent private and public property or other  
22 substantial economic losses.

23 (3) NOTIFICATION AND CONSULTATION.—The  
24 Secretary concerned shall make the determinations  
25 under paragraph (1) after notification of and in con-

1       sultation with the Council on Environmental Qual-  
2       ity, but the determination remains in the sole discre-  
3       tion of the Secretary.

4       (e) INTERDISCIPLINARY APPROACH.—To conduct the  
5       catastrophic event recovery evaluation of an area of Fed-  
6       eral land damaged by a catastrophic event, the Secretary  
7       concerned shall use a systematic, interdisciplinary ap-  
8       proach that insures the integrated use of appropriate nat-  
9       ural and social sciences.

10      (f) COORDINATION WITH OTHER ACTIVITIES.—The  
11      Secretary concerned may combine the preparation of a  
12      catastrophic event recovery evaluation of Federal land  
13      with the preparation of a landscape assessment for non-  
14      Federal land in the vicinity of the damaged Federal land  
15      prepared under subtitle B of title II or subsection (c) of  
16      section 10A of the Cooperative Forestry Assistance Act  
17      of 1978 (16 U.S.C. 2106c), as added by section 201.

18      (g) PUBLIC COLLABORATION.—To encourage mean-  
19      ingful participation during the preparation of catastrophic  
20      event recovery projects, the Secretary concerned shall fa-  
21      cilitate collaboration among State and local governments,  
22      Indian tribes, land-grant colleges and universities, and in-  
23      terested persons during the preparation of catastrophic  
24      event recovery evaluations and catastrophic event recovery  
25      proposals.

1 (h) PUBLIC NOTICE.—

2 (1) NOTICE OF EVALUATION.—The Secretary  
3 concerned shall provide public notice of each cata-  
4 strophic event recovery evaluation, including the cat-  
5 astrophic event recovery proposal prepared as part  
6 of the evaluation. The notice shall be provided in a  
7 form determined to be appropriate by the Secretary  
8 concerned, such as publication in the Federal Reg-  
9 ister.

10 (2) NOTICE OF PUBLIC MEETINGS.—The Sec-  
11 retary concerned shall provide notice of public meet-  
12 ings conducted in connection with a catastrophic  
13 event recovery evaluation and the availability of pre-  
14 liminary analyses or documents prepared as part of  
15 the evaluation. The notice shall be provided at such  
16 times and in such a manner as the Secretary con-  
17 cerned considers appropriate.

18 **SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
19 **POLICY ACT.**

20 (a) COMPLIANCE REQUIRED.—Except as provided in  
21 subsection (b), the Secretary concerned shall comply with  
22 the National Environmental Policy Act of 1969 (42 U.S.C.  
23 4331 et seq.), its implementing regulations, and other ap-  
24 plicable laws in designing and conducting catastrophic

1 event recovery projects and catastrophic event research  
2 projects.

3 (b) SATISFACTION OF NEPA REQUIREMENTS.—The  
4 list of pre-approved management practices prepared under  
5 subsection (a) of section 104, the use of pre-approved  
6 management practices in the manner provided in such sec-  
7 tion as part of the catastrophic event recovery of an area  
8 of Federal land damaged by a catastrophic event, and the  
9 use of alternative arrangements in the manner provided  
10 in section 105 to design or conduct a catastrophic event  
11 recovery project or catastrophic event research project, or  
12 portion of such a project, are deemed to satisfy the re-  
13 quirements of section 102 of the National Environmental  
14 Policy Act of 1969 (42 U.S.C. 4332 et seq.) and its imple-  
15 menting regulations.

16 **SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MAN-**  
17 **AGEMENT PRACTICES.**

18 (a) LIST OF AVAILABLE PRE-APPROVED MANAGE-  
19 MENT PRACTICES.—

20 (1) PREPARATION OF LIST.—The Secretary  
21 concerned shall prepare a list of management prac-  
22 tices that may be immediately implemented as part  
23 of a catastrophic event recovery project or cata-  
24 strophic event research project to facilitate the cata-

1       strophic event recovery of an area of Federal land  
2       damaged by a catastrophic event.

3           (2) RULE MAKING.—The list of pre-approved  
4       management practices shall be prepared using notice  
5       and comment rule making under section 553 of title  
6       5, United States Code.

7           (3) PEER REVIEW REQUIRED.—Before a man-  
8       agement practice may be included on the list of pre-  
9       approved management practices, the management  
10      practice shall be subject to independent peer review  
11      by scientific and land management experts. The re-  
12      sults of the review shall be available to the public  
13      during the comment period.

14          (4) REVISION OR AMENDMENT.—The Secretary  
15      concerned may amend or revise the list of pre-ap-  
16      proved management practices as necessary whenever  
17      new scientific and managerial information becomes  
18      available. Paragraphs (2) and (3) shall apply to the  
19      amendment or revision process.

20      (b) USE OF PRE-APPROVED MANAGEMENT PRAC-  
21      TICES.—Until the end of the two-year period beginning  
22      on the date on which the catastrophic event recovery eval-  
23      uation is completed for an area of Federal land damaged  
24      by a catastrophic event, the Secretary concerned may im-  
25      plement and carry out pre-approved management prac-



1 tices to facilitate the catastrophic event recovery of the  
2 area.

3 (c) EFFECT OF TERMINATION OF PERIOD.—After  
4 the expiration of the applicable time period under sub-  
5 section (b), a pre-approved management practice may not  
6 be initiated under the authority of such subsection for an  
7 area of Federal land damaged by a catastrophic event.  
8 Any pre-approved management practice initiated before  
9 the date of the expiration of the applicable time period  
10 may not be continued after that date.

11 (d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

12 (1) ROAD CONSTRUCTION.—A pre-approved  
13 management practice may not authorize any perma-  
14 nent road building. Any temporary road constructed  
15 as part of a pre-approved management practice shall  
16 be obliterated upon conclusion of the practice and  
17 the road area restored to the extent practicable.

18 (2) TIMBER HARVESTING.—Timber harvesting  
19 carried out as part of a pre-approved management  
20 practice shall be limited to trees—

21 (A) that are already down, dead, broken,  
22 or severely root sprung;

23 (B) regarding which mortality is highly  
24 probable within five years after the end of the  
25 catastrophic event; or

1 (C) that are required to be removed for  
2 worker or public safety.

3 (e) REQUIRED CONSULTATION.—

4 (1) ESA CONSULTATION.—In the case of the  
5 proposed use of a pre-approved management practice  
6 under subsection (b), the Secretary concerned may  
7 use the emergency procedures described in section  
8 402.05 of title 50, Code of Federal Regulations, to  
9 comply with section 7 of the Endangered Species  
10 Act of 1973 (16 U.S.C. 1536). At the conclusion of  
11 the consultation, the statement required by sub-  
12 section (b)(4) of such section shall be issued for any  
13 incidental taking that may occur while using the  
14 pre-approved management practice, which shall be  
15 effective beginning on the date the Secretary con-  
16 cerned initiates the practice and shall apply to all  
17 persons assisting or cooperating with the Secretary  
18 in using the practice.

19 (2) OTHER REQUIRED CONSULTATION.—Any  
20 consultation required under other laws, such as the  
21 National Historic Preservation Act (16 U.S.C. 470  
22 et seq.) or the Federal Water Pollution Control Act  
23 (33 U.S.C. 1251 et seq.), may proceed simulta-  
24 neously with the implementation of a pre-approved  
25 management practice. Results of consultation shall

1 be immediately incorporated into the practice, to the  
2 extent feasible, practical, and consistent with the re-  
3 sponse, recovery, and rehabilitation objectives of the  
4 project.

5 (f) ISSUANCE OF DECISION DOCUMENT.—Not later  
6 than 30 days after the date on which the Secretary con-  
7 cerned makes the determination under section 102(d) to  
8 use a pre-approved management practice to facilitate the  
9 catastrophic event recovery of an area of Federal land  
10 damaged by a catastrophic event, the Secretary concerned  
11 shall issue a concise decision document that contains—

12 (1) a description of the pre-approved manage-  
13 ment practice to be implemented;

14 (2) the rationale for the agency decision;

15 (3) an economic analysis and justification; and

16 (4) an analysis of the environmental effects of  
17 the pre-approved management practice and how  
18 such effects will be minimized or mitigated con-  
19 sistent with the applicable land and resource man-  
20 agement plan.

21 (g) IMMEDIATE IMPLEMENTATION.—The Secretary  
22 concerned shall implement a pre-approved management  
23 practice immediately after the issuance of the decision  
24 document under subsection (f), subject only to the avail-  
25 ability of funds for the practice.

1 (h) MONITORING.—To monitor the implementation of  
 2 a pre-approved management practice, the Secretary con-  
 3 cerned may establish a third-party monitoring group, as  
 4 determined to be appropriate by the Secretary.

5 **SEC. 105. AVAILABILITY AND USE OF ALTERNATIVE AR-**  
 6 **RANGEMENTS.**

7 (a) LIMITED CONSIDERATION OF ALTERNATIVES.—  
 8 If the Secretary concerned determines under section  
 9 102(d) to utilize alternative arrangements to conduct a  
 10 catastrophic event recovery project or catastrophic event  
 11 research project, or portion of such a project, the Sec-  
 12 retary concerned is not required to study, develop, or de-  
 13 scribe more than the proposed agency action and the alter-  
 14 native of no action in designing that project or the portion  
 15 of the project for which the alternative arrangements are  
 16 utilized.

17 (b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

18 (1) ROAD CONSTRUCTION.—Alternative ar-  
 19 rangements under this section may not be used to  
 20 design or conduct a catastrophic event recovery  
 21 project or catastrophic event research project, or  
 22 portion of such a project, that provides for any per-  
 23 manent road building. Any temporary road con-  
 24 structed as part of the project shall be obliterated

1 upon completion of the project and the road area re-  
2 stored to the extent practicable.

3 (2) TIMBER HARVESTING.—Timber harvesting  
4 carried out as part of a catastrophic event recovery  
5 project or catastrophic event research project, or  
6 portion of such a project, for which alternative ar-  
7 rangements under this section were used shall be  
8 limited to trees—

9 (A) that are already down, dead, broken,  
10 or severely root sprung;

11 (B) regarding which mortality is highly  
12 probable; or

13 (C) that are required to be removed for  
14 worker or public safety.

15 (c) REQUIRED CONSULTATION.—

16 (1) ESA CONSULTATION.—In the case of a cat-  
17 astrophic event recovery project or catastrophic  
18 event research project, or portion of such a project,  
19 for which alternative arrangements under this sec-  
20 tion are used, the Secretary concerned may use the  
21 emergency procedures described in section 402.05 of  
22 title 50, Code of Federal Regulations, to comply  
23 with section 7 of the Endangered Species Act of  
24 1973 (16 U.S.C. 1536). At the conclusion of the  
25 consultation, the statement required by subsection

1 (b)(4) of such section shall be issued for any inci-  
2 dental taking that may occur under the project,  
3 which shall be effective beginning on the date the  
4 Secretary concerned initiates action under the  
5 project and shall apply to all persons assisting or co-  
6 operating with the Secretary under the project.

7 (2) OTHER REQUIRED CONSULTATION.—Any  
8 consultation required under other laws, such as the  
9 National Historic Preservation Act (16 U.S.C. 470  
10 et seq.) or the Federal Water Pollution Control Act  
11 (33 U.S.C. 1251 et seq.), may proceed simulta-  
12 neously with the design of a catastrophic event re-  
13 covery project or catastrophic event research project,  
14 or portion of such a project, for which alternative ar-  
15 rangements under this section are used. Results of  
16 consultation shall be immediately incorporated into  
17 the project, to the extent feasible, practical, and con-  
18 sistent with the response, recovery, and rehabilita-  
19 tion objectives of the project.

20 (d) COMPLETION OF ALTERNATIVE ARRANGEMENTS  
21 AND ISSUANCE OF DECISION DOCUMENT.—Not later than  
22 90 days after the date on which the Secretary concerned  
23 makes the determination under section 102(d) to develop  
24 and carry out a catastrophic event recovery project or cat-  
25 astrophic event research project, or portion of such a

1 project, using alternative arrangements, the Secretary  
2 concerned shall—

3 (1) complete the alternative arrangements for  
4 that catastrophic event recovery project or cata-  
5 strophic event research project, or portion thereof,  
6 under this section; and

7 (2) issue a concise decision document that con-  
8 tains—

9 (A) the rationale for the agency decision;

10 (B) an economic analysis and justification;

11 and

12 (C) an analysis of the environmental ef-  
13 fects of the project and how such effects will be  
14 minimized or mitigated consistent with the ap-  
15 plicable land and resource management plan.

16 (e) IMMEDIATE IMPLEMENTATION.—In the case of a  
17 catastrophic event recovery project or catastrophic event  
18 research project, or portion of such a project, for which  
19 the alternative arrangements authorized by this section  
20 are used, the Secretary concerned shall implement the  
21 project, or portion of the project, immediately after the  
22 issuance of the decision document under subsection (d),  
23 subject only to the availability of funds for the project.

24 (f) MONITORING.—To monitor a catastrophic event  
25 recovery project or catastrophic event research project, or

1 portion of such a project, for which the alternative ar-  
2 rangements authorized by this section were used, the Sec-  
3 retary concerned may establish a third-party monitoring  
4 group, as determined to be appropriate by the Secretary.

5 **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

6 (a) ADMINISTRATIVE REVIEW GENERALLY.—Except  
7 as provided in subsection (b), nothing in this title af-  
8 fects—

9 (1) the notice, comment, and appeal require-  
10 ments of section 322 of the Department of the Inte-  
11 rior and Related Agencies Appropriations Act, 1993  
12 (Public 102–381; 16 U.S.C. 1612 note) and section  
13 215 of title 36, Code of Federal Regulations; or

14 (2) the consideration or disposition of any legal  
15 action brought with respect to such requirements.

16 (b) PREDECISIONAL ADMINISTRATIVE REVIEW.—  
17 The predecisional administrative review process estab-  
18 lished by the Secretary of Agriculture by regulation under  
19 section 105 of the Healthy Forests Restoration Act of  
20 2003 (16 U.S.C. 6515), and the Department of the Inte-  
21 rior administrative hearings and appeals procedures re-  
22 ferred to in subsection (c)(1)(B) of such section, shall  
23 serve as the sole means by which a person can seek admin-  
24 istrative review regarding—



1           (1) the proposed use of a pre-approved manage-  
2           ment practice under section 104; or

3           (2) a catastrophic event recovery project or cat-  
4           astrophic event research project, or portion of such  
5           a project, for which the alternative arrangements  
6           under section 105 are used.

7           (c) JUDICIAL REVIEW.—Section 106 of the Healthy  
8           Forests Restoration Act of 2003 (16 U.S.C. 6516) shall  
9           apply with respect to the implementation of a pre-ap-  
10          proved management practice under section 104 or a cata-  
11          strophic event recovery project or catastrophic event re-  
12          search project regarding which the applicable administra-  
13          tive review process has been exhausted. In any proceeding  
14          for judicial review of agency action under this subsection,  
15          attorney fees awarded to a prevailing party may not ex-  
16          ceed the hourly rates established in section 3006A of title  
17          18, United States Code.

18       **SEC. 107. GUIDANCE REGARDING REFORESTATION IN RE-**  
19                               **SPONSE TO CATASTROPHIC EVENTS.**

20           Not later than 180 days after the date of the enact-  
21          ment of this Act, the Secretary concerned shall—

22           (1) standardize the collection, reporting, and re-  
23          view procedures for data regarding more aggressive,  
24          expedited, and comprehensive reforestation in re-  
25          sponse to catastrophic events by clarifying agency-

1 wide guidance and developing standard protocols for  
2 determining when and how reforestation can be best  
3 achieved as part of the response to catastrophic  
4 events; and

5 (2) clarify agency-wide guidance regarding re-  
6 forestation in response to catastrophic events to en-  
7 sure that such guidance is consistent with agency  
8 goals and budget constraints.

9 **SEC. 108. EFFECT OF TITLE.**

10 (a) USE OF OTHER AUTHORITIES.—Nothing in this  
11 title affects the use by the Secretary concerned of other  
12 statutory or administrative authority, including categor-  
13 ical exclusions adopted to implement the National Envi-  
14 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
15 to conduct a catastrophic event recovery project or cata-  
16 strophic event research project, or portion of such a  
17 project, that is not conducted using the alternative ar-  
18 rangements authorized by section 105.

19 (b) ADVISORY COMMITTEES.—The Federal Advisory  
20 Committee Act (5 U.S.C. App.) and title XVIII of the  
21 Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.)  
22 shall not apply to—

23 (1) the independent peer review provided by sci-  
24 entific and land management experts under section  
25 101(b);

1 (2) the monitoring process under section 104(h)  
 2 or 105(f); and

3 (3) the preparation of a catastrophic event re-  
 4 covery evaluation or catastrophic event recovery pro-  
 5 posal.

6 **TITLE II—RESTORING LAND-**  
 7 **SCAPES AND COMMUNITIES**  
 8 **IMPACTED BY CATASTROPHIC**  
 9 **EVENTS**

10 **Subtitle A—Cooperative Forestry**  
 11 **Assistance Act of 1978**

12 **SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY**  
 13 **ASSISTANCE ACT OF 1978 TO RESTORE LAND-**  
 14 **SCAPES AND COMMUNITIES AFFECTED BY**  
 15 **CATASTROPHIC EVENTS.**

16 (a) ASSISTANCE AUTHORIZED.—Section 10A of the  
 17 Cooperative Forestry Assistance Act of 1978 (16 U.S.C.  
 18 2106c) is amended—

19 (1) by redesignating subsections (c) and (d) as  
 20 subsections (d) and (e), respectively; and

21 (2) by inserting after subsection (b) the fol-  
 22 lowing new subsection:

23 “(c) RESPONSE TO CATASTROPHIC EVENTS AFFECT-  
 24 ING NON-FEDERAL LANDS.—

1           “(1) LANDSCAPE ASSESSMENTS.—The Sec-  
2       retary may cooperate with an eligible entity, at the  
3       request of the eligible entity, in the preparation of  
4       a landscape assessment for non-Federal lands af-  
5       fected by a catastrophic event. The Secretary may  
6       combine the preparation of a landscape assessment  
7       with the preparation of a catastrophic event recovery  
8       evaluation under title I of the Emergency Forest Re-  
9       search and Reforestation Act regarding Federal land  
10      in the vicinity of the damaged non-Federal land.

11          “(2) COMMUNITY ASSESSMENTS.—The Sec-  
12      retary may cooperate with an eligible entity affected  
13      by a catastrophic event, at the request of the eligible  
14      entity, to assist in the preparation of a community  
15      wildfire protection plan or related plan.

16          “(3) TYPES OF ASSISTANCE.—The Secretary  
17      concerned may provide technical and financial cost-  
18      share assistance to an eligible entity—

19              “(A) to assist in the preparation of a land-  
20              scape assessment under paragraph (1) or a  
21              community wildfire protection plan, community  
22              assessment, or community action plan under  
23              paragraph (2); and

24              “(B) to implement special recovery projects  
25              identified in the landscape assessment or com-

1 community wildfire protection plan, community as-  
2 sessment, or community action plan.

3 “(4) SPECIAL RECOVERY PROJECTS.—The Sec-  
4 retary may provide assistance under this subsection  
5 for special recovery projects, including projects in-  
6 volving—

7 “(A) revegetation, tree planting, and other  
8 management practices the Secretary determines  
9 to be appropriate;

10 “(B) developing products from and mar-  
11 kets for fire timber harvest and remaining for-  
12 est resources;

13 “(C) training for the local workforce;

14 “(D) repair of public facilities, such as  
15 water systems, roads, bridges and trails, af-  
16 fected by a catastrophic event; and

17 “(E) such other activities as the Secretary  
18 determines to be necessary to undertake the  
19 special recovery project.

20 “(5) DEFINITIONS.—In this subsection:

21 “(A) The term ‘eligible entity’ means a  
22 State Forester or equivalent State official, an  
23 Indian tribe, local government, community-  
24 based organization, or other person.

1                   “(B) The terms ‘catastrophic event’, ‘land-  
 2                   scape assessment’, and ‘special recovery project’  
 3                   have the meanings given those terms in section  
 4                   3 of the Emergency Forest Research and Refor-  
 5                   estation Act.

6                   “(C) The term ‘community wildfire protec-  
 7                   tion plan’ has the meaning given that term in  
 8                   section 101(3) of the Healthy Forest Restora-  
 9                   tion Act of 2003 (16 U.S.C. 6511(3)).”.

10           (b) CLERICAL AMENDMENT.—The heading of such  
 11 section is amended by inserting before the period at the  
 12 end the following: “**AND RESPONSE TO CATASTROPHIC**  
 13 **EVENTS**”.

## 14           **Subtitle B—Department of the** 15           **Interior Assistance**

### 16   **SEC. 211. RESTORING LANDSCAPES.**

17           (a) LANDSCAPE ASSESSMENTS.—The Secretary of  
 18 the Interior may cooperate with an eligible entity, at the  
 19 request of the eligible entity, in the preparation of a land-  
 20 scape assessment for non-Federal lands affected by a cata-  
 21 strophic event. The Secretary may combine the prepara-  
 22 tion of a landscape assessment with the preparation of a  
 23 catastrophic event recovery evaluation under title I of the  
 24 Federal land in the vicinity of the damaged non-Federal  
 25 land.

1 (b) TYPES OF ASSISTANCE.—The Secretary of the  
2 Interior may provide technical and financial cost-share as-  
3 sistance to an eligible entity—

4 (1) to assist in the preparation of a landscape  
5 assessment; and

6 (2) to implement special recovery projects iden-  
7 tified in the landscape assessment.

8 (c) SPECIAL RECOVERY PROJECTS.—The Secretary  
9 of the Interior may provide assistance under subsection  
10 (b) for special recovery projects, including revegetation,  
11 tree planting, and other practices the Secretary deter-  
12 mines to be appropriate.

13 **SEC. 212. RESTORING COMMUNITIES.**

14 (a) COMMUNITY ASSESSMENTS.—The Secretary of  
15 the Interior may cooperate with an eligible entity affected  
16 by a catastrophic event, at the request of the eligible enti-  
17 ty, to assist in the preparation of a community wildfire  
18 protection plan or related plan.

19 (b) TYPES OF ASSISTANCE.—The Secretary of the  
20 Interior may provide technical and financial cost-share as-  
21 sistance to an eligible entity—

22 (1) to assist in the preparation of development  
23 of a community wildfire protection plan, a commu-  
24 nity assessment, or a community action plan; and

1           (2) to implement special recovery projects iden-  
2       tified in a community wildfire protection plan, a  
3       community assessment, or a community action plan.

4       (c) SPECIAL RECOVERY PROJECTS.—The Secretary  
5   of the Interior may provide assistance under subsection  
6   (b) for special recovery projects, including projects involv-  
7   ing—

8           (1) developing products from and markets for  
9       fire timber harvest and remaining forest resources;

10          (2) training for the local workforce;

11          (3) repair of public facilities, such as water sys-  
12       tems, roads, bridges and trails, affected by a cata-  
13       strophic event; and

14          (4) such other activities as the Secretary deter-  
15       mines to be necessary to undertake the special recov-  
16       ery project.

17       **TITLE III—EXPERIMENTAL**  
18       **FORESTS**

19   **SEC. 301. FINDINGS.**

20       Congress finds the following:

21          (1) The experimental forests established pursu-  
22       ant to section 4 of the Forest and Rangeland Re-  
23       newable Resources Research Act of 1978 (16 U.S.C.  
24       1643) or the organic administrative authorities of  
25       the Secretary of Agriculture (16 U.S.C. 551) serve



1 as a natural laboratory for the Forest Service to  
2 evaluate management practices generally and spe-  
3 cific responses to catastrophic events that can be  
4 eventually used throughout the National Forest Sys-  
5 tem.

6 (2) To build upon the knowledge base to be de-  
7 veloped using catastrophic events research projects  
8 conducted under title I, the Secretary of Agriculture  
9 should be authorized to use the same authorities  
10 provided under sections 104 and 105 to design and  
11 carry out projects in the experimental forests.

12 **SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MAN-**  
13 **AGEMENT PRACTICES ON NATIONAL FOREST**  
14 **EXPERIMENTAL FORESTS.**

15 Management practices included on the list of pre-ap-  
16 proved management practices prepared under subsection  
17 (a) of section 104 may be implemented, in the manner  
18 provided by such section, in an experimental forest estab-  
19 lished pursuant to section 4 of the Forest and Rangeland  
20 Renewable Resources Research Act of 1978 (16 U.S.C.  
21 1643) or the organic administrative authorities of the Sec-  
22 retary of Agriculture (16 U.S.C. 551).

1 **SEC. 303. AVAILABILITY AND USE OF ALTERNATIVE AR-**  
2 **RANGEMENTS FOR PROJECTS ON NATIONAL**  
3 **FOREST EXPERIMENTAL FORESTS.**

4 Section 105 shall apply with respect to any individual  
5 activity or a series of activities proposed to be undertaken  
6 in an experimental forest established pursuant to section  
7 4 of the Forest and Rangeland Renewable Resources Re-  
8 search Act of 1978 (16 U.S.C. 1643) or the organic ad-  
9 ministrative authorities of the Secretary of Agriculture  
10 (16 U.S.C. 551).

11 **TITLE IV—GENERAL**  
12 **PROVISIONS**

13 **SEC. 401. REGULATIONS.**

14 The Secretary concerned is not required to promul-  
15 gate regulations to implement this Act.

16 **SEC. 402. FUNDING SOURCES.**

17 (a) RESERVATION OF UNOBLIGATED BALANCES.—  
18 Funds appropriated for the Department of Agriculture or  
19 the Department of the Interior for a fiscal year that re-  
20 main unobligated at the end of that fiscal year shall be  
21 available to the Secretary concerned, until expended and  
22 without further appropriation, to implement and carry out  
23 pre-approved management practices and catastrophic  
24 event recovery projects and catastrophic event research  
25 projects under title I.

1 (b) AVAILABILITY OF WILDLAND FIRES MANAGE-  
2 MENT FUNDS.—Any funds appropriated for the Forest  
3 Service or the Bureau of Land Management for a fiscal  
4 year for wildland fires management may be used to imple-  
5 ment and carry out pre-approved management practices  
6 and catastrophic event recovery projects and catastrophic  
7 event research projects under title I that are related to  
8 wildland fire.

9 (c) AVAILABILITY OF KNUTSON-VANDENBERG  
10 FUNDS.—Section 3 of the Act of June 9, 1930 (commonly  
11 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b),  
12 as amended by section 318 of division E of Public Law  
13 108–447 (118 Stat. 3096), is further amended——

14 (1) by striking “Such deposits shall be covered”  
15 and inserting the following:

16 “(b) Amounts deposited under subsection (a) shall be  
17 covered”;

18 (2) by inserting after the second proviso the fol-  
19 lowing new sentence: “The Secretary of Agriculture  
20 may also use excess amounts to cover the costs of  
21 activities of the Secretary under title I of the Forest  
22 Emergency Recovery and Research Act.”; and

23 (3) in subsection (c)——

24 (A) in paragraph (1), by striking “and”;

1 (B) by redesignating paragraph (2) as  
2 paragraph (3); and

3 (c) by inserting after paragraph (1) the  
4 following new paragraph:

5 “(2) the excess amounts will not be needed for  
6 activities of the Secretary under title I of the Forest  
7 Emergency Recovery and Research Act during the  
8 fiscal year in which the transfer would be made;  
9 and”.

10 (d) AVAILABILITY OF FOREST SERVICE SALVAGE  
11 SALE FUNDS.—Section 14(h) of the National Forest  
12 Management Act of 1976 (16 U.S.C. 472a(h)) is amend-  
13 ed—

14 (1) in the fourth sentence, by inserting after  
15 “the purposes for which deposited” the following:  
16 “and to cover the costs of activities of the Secretary  
17 under title I of the Forest Emergency Recovery and  
18 Research Act”; and

19 (2) in last proviso, by striking “for which de-  
20 posited on any national forest” and inserting “for  
21 which deposits of money are available under this  
22 subsection”.

23 (e) AVAILABILITY OF BLM REVOLVING FUND DE-  
24 RIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first  
25 paragraph under the headings “FOREST ECOSYSTEMS

1 HEALTH AND RECOVERY” and “REVOLVING FUND, SPE-  
 2 CIAL ACCOUNT” in title I of the Department of the Interior  
 3 and Related Agencies Appropriations Act, 1993 (Public  
 4 Law 102–381; 106 Stat. 1376; 43 U.S.C. 1736a), is  
 5 amended by adding at the end the following new sentence:  
 6 “The money in this fund shall likewise be immediately  
 7 available to cover the costs of activities of the Bureau of  
 8 Land Management under title I of the Forest Emergency  
 9 Recovery and Research Act.”.

10 (f) EFFECT OF DECLARATION OF MAJOR DISASTER  
 11 OR EMERGENCY.—If an area of non-Federal land dam-  
 12 aged by a catastrophic event is also covered by a declara-  
 13 tion by the President under section 401 or 501 of the Rob-  
 14 ert T. Stafford Disaster Relief and Emergency Assistance  
 15 Act (42 U.S.C. 5170, 5191) that a major disaster or emer-  
 16 gency exists, the Director of Federal Emergency Manage-  
 17 ment Agency may use funds available for activities under  
 18 that Act to reimburse the Secretary concerned for assist-  
 19 ance in that area provided under subtitle B of title II or  
 20 subsection (c) of section 10A of the Cooperative Forestry  
 21 Assistance Act of 1978 (16 U.S.C. 2106c), as added by  
 22 section 201.

